

**From:** John Cowan  
**To:** Microsoft ATR  
**Date:** 1/26/02 11:18am  
**Subject:** Microsoft Settlement

613 Navarra Drive  
Scotts Valley

CA 95066

Hon. Colleen Kollar-Kotelly,  
U. S. District Court  
Washington DC

Judge Kollar-Kotelly,

I am very disappointed with the settlement agreement the Justice Department has negotiated with Microsoft Corporation. It does practically nothing to constrain Microsoft's anti-competitive practices. I am particularly concerned about the provisions that require Microsoft to make public its Application Program Interface (API) and the one that prohibits Microsoft from penalizing customers who resell software from other vendors. This excerpt from an article by James Mathewson in the January 2002 Bay Area ComputerUser Magazine describes the problem better than I could:

"Actually, the settlement codifies the legality of Microsoft's predatory practices. What it takes away with one hand, it gives back with the other, and then some. For example, it does force Microsoft to share its Application Programming Interfaces (APIs) with the competition. But it also forces those who use the APIs to share their finished code with Microsoft. The result is that Microsoft would see all of its competition's trade secrets and easily replicate them. Or, though the ruling ensures that Microsoft competitors be allowed to get their icons on PC desktops, the clause only applies to companies who have sold more than a million copies of their software in the United States. The very companies who need a competitive advantage in this case can't get it.

"And these two qualifiers are indicative of the whole agreement. The clincher: Microsoft would be barred from terminating a PC vendor's license agreements because the vendor cooperated with one of Microsoft's competitors. But it could still terminate the agreements, because if it did, the vendor would have to take it to court for violating the antitrust provision. How many small clone shops can afford to fight Microsoft in court? If the government ran out of money trying, not even Dell would fight Microsoft for the ability to put a Quicken icon on a Dell desktop."

I ask that you please require Microsoft to publish its APIs on a public web site so it is available to all, that you require Microsoft to allow all its customers to put whatever icons they wish on the desktop and that you require Microsoft to sell its operating system products to all buyers

without penalty, regardless of whatever other business arrangements they make, and without the need to bring suit.

Thank you.

Sincerely,

John F. Cowan

[jfcowan@pacbell.net](mailto:jfcowan@pacbell.net)